

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KENDALL HARRIS,
Petitioner,

CIVIL ACTION

v.

**MICHAEL D. OVERMYER, and
THE ATTORNEY GENERAL OF THE
STATE OF PENNSYLVANIA,**
Respondents.

NO. 14-4615

ORDER

AND NOW, this 18th day of August, 2015, upon consideration of Petition Under 28 U.S.C. §2254 for Writ of Habeas Corpus by a Person in State Custody filed by *pro se* petitioner, Kendall Harris, the record in this case, the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa dated June 25, 2015, and Petitioner's Objections to the Magistrate-Judge's Report and Recommendation, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Linda K. Caracappa dated June 25, 2015, is **APPROVED** and **ADOPTED**;

2. Petitioner's Objections to the Magistrate-Judge's Report and Recommendation are **OVERRULED**. In the Report and Recommendation, Magistrate Judge Caracappa recommended that the Petition be dismissed as untimely filed. The Court is in complete agreement with what is stated by Magistrate Judge Caracappa in the Report and Recommendation about the timeliness of the filing of the Petition and concludes that Petition Under 28 U.S.C. §2254 for Writ of Habeas Corpus by a Person in State Custody filed by *pro se* petitioner, Kendall Harris, was untimely filed;

3. Petition Under 28 U.S.C. §2254 for Writ of Habeas Corpus by a Person in State Custody filed by *pro se* petitioner, Kendall Harris, is **DISMISSED** as untimely filed; and,

4. A certificate of appealability will not issue because reasonable jurists would not debate (a) this Court's decision that the petition does not state a valid claim of the denial of a constitutional right, or (b) the propriety of this Court's procedural ruling with respect to petitioner's claim. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.